

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DESIVENO GAUSE,

Plaintiff,

-against-

MEMORANDUM AND ORDER
09-CV-4886 (JS)

CHASE HOME FINANCE LLC, COMMERCIAL
MUTUAL INSURANCE COMPANY, ESTATE
OF DELLA L GAUSE, LUNT AGENCY INC.,

Defendants.

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APPEARANCES:

For Plaintiff: Desiveno Gause
08A3503
Wallkill Correctional Facility
P.O. Box G
Route 208
Wallkill, NY 12589-0286

For Defendants: No appearances

SEYBERT, District Judge:

Presently pending before the Court is pro se Plaintiff Desi Gause's Amended Complaint. The Court dismissed Plaintiff's original Complaint for failure to plead subject matter jurisdiction. In particular, the Court found that the original Complaint did not plead diversity jurisdiction. The Court has serious concerns regarding whether diversity jurisdiction exists now.¹ To that end, until further notice, the Court STAYS each defendant's obligation to answer, move, or otherwise respond to the Amended Complaint.

¹ The Court is aware that the Amended Complaint also purports to plead federal subject matter jurisdiction. The Court will deal with these allegations sua sponte and does not require input from the parties.

Instead, within forty-five (45) days of being served with a copy of the summons and Amended Complaint, each defendant shall file and serve: (1) a declaration setting forth the relevant facts concerning each defendant's citizenship (e.g., state of incorporation, principal place of business); and (2) documentation supporting these relevant facts. In this regard, Defendant Chase Home Finance LLC should be aware that a limited liability company is a citizen of all states of which its members are citizens. See Handelsman v. Bedford Village Associates Ltd. Partnership, 213 F.3d 48, 51 (2d Cir. 2000); Castillo Grand LLC v. Sheraton Operating Corp., 09-CV-7197, 2009 WL 4667104, *1 (S.D.N.Y. 2009).

SO ORDERED.

/s/
Joanna Seybert, U.S.D.J.

Dated: January 20, 2009
Central Islip, New York